

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Michael L Spano Jr.
Laurel R Spano
Debtor(s)

Bankruptcy Case No.: 18-70235-JAD
Issued Per Oct. 18, 2018 Proceeding
Chapter: 13
Docket No.: 35 - 11, 29
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(I.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 11, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$979 as of November 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at , in .* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: October 23, 2018

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Michael L Spano, Jr.
 Laurel R Spano
 Debtors

Case No. 18-70235-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

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 Total Noticed: 45

Date Rcvd: Oct 23, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 25, 2018.

db/jdb +Michael L Spano, Jr., Laurel R Spano, 425 Main Street, Rockwood, PA 15557-1024
 14858659 +Antero Capital, LLC, PO BOX 1931, Burlingame CA 94011-1931
 14802434 ++CAINE & WEINER COMPANY, 12005 FORD ROAD 300, DALLAS TX 75234-7262
 (address filed with court: Caine Weiner, Po Box 5010, Woodland Hills, CA 91365)
 14802435 Capital One, N.A., P.O. Box 71087, Charlotte, NC 28272-1087
 14802436 +Carrington Mortgage Se, 1600 S Douglass Rd Ste 2, Anaheim, CA 92806-5951
 14829309 +Carrington Mortgage Services, LLC, 1600 South Douglass Road, Anaheim, CA 92806-5951
 14802437 +Chase, Cardmember Service, P.O. Box 15123, Wilmington, DE 19886-5123
 14802438 +Chase Card, Po Box 15298, Wilmington, DE 19850-5298
 14802440 +Convergent, 800 SW 39th Street, P.O. Box 9004, Renton, WA 98057-9004
 14854911 Directv, LLC, by American InfoSource LP as agent, PO Box 5008, Carol Stream, IL 60197-5008
 14802444 +Foundation Radiology Group, P.O. Box 1198, Somerset, PA 15501-0336
 14802445 Keystone Credit Services, P.O. Box 218, Leola, PA 17540-0218
 14802449 +Liberty Mutual Insurance, 175 Berkeley Street, Boston, MA 02116-3350
 14858963 +M&T Bank, PO Box 1508, Buffalo, New York 14240-1508
 14802451 +Michael F. Ratchford, Esquire, Ratchford Law Group, P.C., 409 Lackawanna Avenue, Suite 320, Scranton, PA 18503-2059
 14802453 Montgomery Lynch & Associates, Inc., P.O. Box 22720, Beachwood, OH 44122-0720
 14802454 +National Enterprise Systems, 2479 Edison Blvd, Unit A, Twinsburg, OH 44087-2476
 14802457 +PNC Bank, P.O. Box 1820, Miamisburg, OH 45343
 14802455 +Par Bis Nlcl, 7870 Carmargo Road, Cincinnati, OH 45243-2652
 14802456 +Penelec, P.O. Box 3687, Akron, OH 44309-3687
 14861636 +Penelec, c/o FirstEnergy, 101 Crawford's Corner Rd., Bldg. #1 Ste. 1-511, Holmdel, NJ 07733-1976
 14802458 +Sequium Asset Solution, 1130 Northchase Pkwy, St, Marietta, GA 30067-6413
 14802459 +Somerset Hospital, 225 South Center Avenue, Somerset, PA 15501-2088
 14802460 +Somerset Hospital, Cashier, 225 South Center Avenue, Somerset, PA 15501-2033
 14802461 Somerset Med Services, 4309 Glades Pike, Suite 200, Somerset, PA 15501-1153
 14802462 +Somerset Medical Central Medical, 223 S. Pleasant Avenue, Suite 301, Somerset, PA 15501-2188
 14802463 +Somerset Orthopedics, 126 E Church Street, # 2100, Somerset, PA 15501-2271
 14802464 +Somerset Orthopedics, Inc., 329 Pleasant Avenue, Somerset, PA 15501-2262
 14802465 +Trident Asset Management, 53 Perimeter Ctr E Ste 4, Atlanta, GA 30346-2294
 14802466 +US Career Institute, 2001 Lowe Street, Fort Collins, CO 80525-5751
 14802467 +USCB Corporation, P.O. Box 75, Archbald, PA 18403-0075

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14802432 E-mail/Text: ebn@americaninforesource.com Oct 24 2018 02:37:38 Americollect Inc, Po Box 1566, Manitowoc, WI 54221
 14802433 +E-mail/Text: legal@arsnational.com Oct 24 2018 02:37:04 ARS National Services, Inc., P.O. Box 1259, Oaks, PA 19456-1259
 14816736 E-mail/PDF: AIS.cocard.ebn@americaninforesource.com Oct 24 2018 02:43:14 Capital One, N.A., PO Box 71083, Charlotte, NC 28272-1083
 14802439 +E-mail/Text: bankruptcy@firstenergycorp.com Oct 24 2018 02:37:36 Collection Service Cen, 839 5th Ave, New Kensington, PA 15068-6303
 14802441 +E-mail/Text: bankruptcy_notifications@ccsusa.com Oct 24 2018 02:38:02 Credit Collection Services, 725 Canton Street, Norwood, MA 02062-2679
 14802442 +E-mail/Text: abovay@creditmanagementcompany.com Oct 24 2018 02:37:50 Credit Management Co, 2121 Noblestown Road, Pittsburgh, PA 15205-3956
 14860480 E-mail/PDF: resurgentbknotifications@resurgent.com Oct 24 2018 02:43:35 LVNV Funding, LLC its successors and assigns as, assignee of Arrow Financial Services,, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14802450 E-mail/Text: camanagement@mtb.com Oct 24 2018 02:37:05 M&t Bank, 1 Fountain Plz Fl 4, Buffalo, NY 14203
 14802452 +E-mail/Text: bankruptcypdpt@mcmcg.com Oct 24 2018 02:37:29 Midland Funding, 2365 Northside Dr Ste 30, San Diego, CA 92108-2709
 14819920 +E-mail/Text: bankruptcypdpt@mcmcg.com Oct 24 2018 02:37:29 Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
 14803271 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 24 2018 02:43:33 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14853399 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Oct 24 2018 02:43:53 Verizon, by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 14802468 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Oct 24 2018 02:36:53 Verizon Wireless, Po Box 650051, Dallas, TX 75265-0051
 14802469 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Oct 24 2018 02:36:52 Verizon Wireless, P.O. Box 25505, Lehigh Valley, PA 18002-5505

TOTAL: 14

District/off: 0315-7

User: jhel
Form ID: 149

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Total Noticed: 45

Date Rcvd: Oct 23, 2018

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr THE BANK OF NEW YORK MELLON, F/K/A The Bank of New
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14802443* +Credit Management Co., 2121 Noblestown Rd, Pittsburgh, PA 15205-3956
14802447* +Keystone Credit Services, LLC, P.O. Box 218, Leola, PA 17540-0218
14802446* Keystone Credit Services, LLC, P.O. Box 218, Leola, PA 17540-0218
14802448 ##+Lendmark Financial Services, Richalnd Square, 1397 Eisenhower Blvd. Ste 100,
Johnstown, PA 15904-3267

TOTALS: 1, * 4, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 25, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on October 23, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor THE BANK OF NEW YORK MELLON, F/K/A The Bank of New
York as trustee for registered Holders of CWABS, Inc., Asset-Backed Certificates, Series 2005-14
bkgroup@kmllawgroup.com
Kenneth P. Seitz on behalf of Joint Debtor Laurel R Spano thedebtterasers@aol.com
Kenneth P. Seitz on behalf of Debtor Michael L Spano, Jr. thedebtterasers@aol.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmeclf@chapter13trusteeewdpa.com

TOTAL: 5